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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,542	12/28/1998	JACQUES JOSEPH LABRIE	ST9-98-004	4441

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EXAMINER

CHEN, TE Y

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 05/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/221,542

Applicant(s)
Labrie et al.

Examiner
Te Chen

Art Unit
2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 22, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2171

Response to Amendment

1. This is in response to amendment filed on 02/22/2002 (paper # 5).
2. Claims 1-28 remain for examination, claims 2-6, 8-12 and 14-18 were amended and claims 19-28 are newly added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Consentino et al. (U. S. Patent No. 6,055,515).
4. As to claim 7, Consentino et al. (hereinafter referred as Consentino) disclosed the invention as claimed including:

Art Unit: 2171

1) a computer having a memory and a data storage device coupled thereto that stores data;
[col. 3, lines 24-47];

2) one or more computer programs, performed by the computer, for selecting a target object in an information catalog and providing information about a source from which the target object was derived [Abstract; col. 9, claim 17; Fig. 1a -1d].

5. As to claim 8, Consentino further disclosed the target object is represented as a node in a tree structure [Fig. 5; col. 7, lines 55-58].

6. As to claim 9, Consentino further disclosed the system having one or more computer programs including means for providing the transformation information of source to target [col. 5, lines 5-13; col. 7, line 56 - configurable node labels; col (s). 9-10, claims 17-21].

7. As to claim 10, Consentino further disclosed the system having means to identify a transformation producing function [indicators; col. 7, line 11; col. 8, claims 2 and 4].

8. As to claims 11, Consentino further disclosed the system having means for providing lineage information [col. 5, lines 11-13; floating menus; col. 8, claim 5];

Art Unit: 2171

9. As to claim 12, Consentino further disclosed the system having means for maintaining transformation models for use in providing the lineage information [Fig. 5; col. 7, line 11- indicators and floating menus; col. 10, lines 10-12].

10. As to claims 1-6, the steps in the claimed method are deemed to be made inherit by the functions of the apparatus structure in the combination discussed above, hence were rejected for the same reasons.

11. As to claims 13-18, these claims recite the same features as in claims 1-12 with a computer program product form. As the underlying process has been shown to be taught or fairly suggested by the teachings of Consentino, hence they were rejected for the same reasons giving above.

12. As to claim 28, Consentino further disclosed the system comprising:

a) a plurality of objects [the tree structure which has one of more nodes (or objects), Fig. 2A] including a target object wherein the target object was derived from one or more transformations of one or more sources data [Fig. 3, col. 6, lines 53-61];

b) a user interface for receiving user input for selecting one of the plurality of objects [the system browser disclosed in col. 5, lines 5-7; 10-15; Fig. 1a];

c) user interface configure to display the transformation lineage information in response to receiving user selected input [col. 5, lines 40-55].

Art Unit: 2171

13. As to claim 27, this claim recites similar features as in claims 1-18 and 28 in form of a computer-readable medium having contents to perform data navigating. As the underlying process has been shown to be taught or fairly suggested by the teachings of Consentino, hence they were rejected for the same reasons giving above.

14. As to claims 19-26, the steps in the claimed method are deemed to be made inherit by the functions of the apparatus structure of claims 7-18 and 27-28, in the combination discussed above, hence were rejected for the same reasons.

Response to Arguments

15. Applicant's arguments filed on 02/22/2002 have been fully considered but they are not persuasive.

16. Regarding the USC Code 102 (e) rejection for claims 1-18, applicant argues that "Consention did not teach the information about a "data source". The examiner disagrees. Examiner believes Consention teaches the means/methods (for example, Ancestor and Floating menu means) as disclosing the information about a "data source" [see col. 4, lines 1-11].

17. In response to applicant's argument for claims 3, 4, 9, 10, 15, 16, and 18, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., applicant did not specifically disclosed which function was identified to transform the

Art Unit: 2171

source data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen whose telephone number is (703) 308-1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone numbers for this group are:

(703) 746-7238 (After Final Communication);

(703) 746-7239 (Official Communications);

and (703) 746-7240 (For Status Inquiries, Draft Communication).

20. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Susan Chen


May 08, 2002


SAFET METJAHIC
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